

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

UNITED STATES OF AMERICA )  
                               ) Case No. 1:18-cr-91  
v.                            )  
                               ) Judge Travis R. McDonough  
                               )  
KENNETH SCHWARTZ         ) Magistrate Judge Susan K. Lee  
                               )

---

**ORDER**

---

Magistrate Judge Susan K. Lee filed a report and recommendation recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Count Four of the four-count Superseding Indictment; (2) accept Defendant's guilty plea as to Count Four; (3) adjudicate the Defendant guilty of Count Four; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter (Doc. 68). Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 68) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea as to Count Four of the Superseding Indictment is **GRANTED**;
2. Defendant's plea of guilty to Count Four is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of Count Four;
4. A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and

5. Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **June 12, 2020 at 2:00 p.m. [EASTERN]** before the undersigned.

**SO ORDERED.**

*/s/Travis R. McDonough*

---

**TRAVIS R. MCDONOUGH**  
**UNITED STATES DISTRICT JUDGE**